

REMARKS

In paragraph 8, on page 1 of the Advisory Action, the Examiner states that the Declaration filed June 22, 2007, will not be entered even upon the filing of an appeal because Applicants failed to show good cause why the Declaration was not presented earlier.

Applicants file a Request for Continued Examination herewith seeking entry and consideration of said Declaration.

On page 2 of the Advisory Action, the Examiner maintains the new matter rejection of Claims 9-10 under 35 U.S.C. § 112, first paragraph, on the basis that the specification only supports engraftment of up to 13 weeks, and not "more than" 13 weeks.

Applicants respectfully submit that the Examiner continues to ignore Applicants' argument with respect to Figure 2 and Example 4 of the present specification, which show an engraftment rate of "greater than 13 weeks".

Specifically, support for 100% engraftment "more than" 13 weeks can be found in Figure 2 of the present application which shows 100% engraftment is achieved for at least 21 weeks in Group I (6.5 Gy), and for at least 36 weeks for Group II (7.0 Gy), both of which represent the present invention.

As previously noted, Applicants respectfully submit that the mouse model in Example 4 is a well-recognized model for humans, and thus, Example 4 reasonably conveys to one skilled in the art "any organ transplantation recipient".

It is well-known that the most difficult tissue/organ (which is susceptible to rejection) includes the skin, since

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major histocompatible complex (MHC) class II molecules are highly expressed in this tissue; cytotoxic T-lymphocytes can easily recognize these molecules and kill the target cells. Therefore, if a new strategy is to be proved useful for skin transplantation, it is generally accepted that this strategy could be applicable to all organ/tissue transplantation.

Accordingly, the claims do not contain new matter, and thus Applicants request withdrawal of the Examiner's rejection.

In any event, the Examiner maintains the rejection of Claims 9-10 under 35 U.S.C. § 103 as being unpatentable over Slavín et al in view of Ildstad et al, Zheng et al and Sachs et al.

Applicants respectfully submit that the Examiner continues to misconstrue Applicants arguments, misapply the prior art and overlook, *inter alia*, the Declaration evidence of record, which clearly rebuts the Examiner's rejection.

The Examiner is invited to contact the undersigned at the telephone number listed below on any questions that might arise.

Respectfully submitted,

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